



12.0 PHASE II TECHNICAL REVIEW



The Phase II Technical Review is the second, full, comprehensive review of the permit application. It begins once the facility submits a revised permit application in response to DTSC's Notice of Deficiency (NOD). The revised application must be formatted to have all responses to DTSC's NOD "seamlessly" inserted into the application and should include an index or cross reference showing where in the resubmitted application the responses to the NOD can be found. DTSC has 60 days from the date of receipt of the revised application to make a completeness determination.

Based on the outcome of the Phase II Technical review and any new information made available to DTSC at this phase of the permit process, it may be necessary for the permit writer to revise the Initial Study to reflect potential changes to the project. This is necessary to ensure that an accurate assessment is made of any potential impacts created as a result of the modified project and to include certain mitigation measures which were not previously considered.

The permit writer should begin preparation of either the draft NEG DEC or EIR, based on the findings of the final Initial Study.

Also while the permit writer was awaiting the application resubmittal, the permit writer should have prepared a draft DTSC public notice fact sheet, public notice, and administrative record inventory, and updated the mailing lists. Although these documents may need modification later, it is helpful to have prepared the drafts before the Phase II work starts. (See [Chapter 13.0](#), Draft Permit Decision.)

Recommended Review Strategy

As with the Phase I review, a three pass method is the recommended strategy for reviewing each of the various components or sections of the application.

Pass 1. Preliminary Review

Once the revised permit application has been received, the permit writer should first compare DTSC's NOD with the facility's NOD responses to ensure that all of the NOD items have been addressed. If the facility has provided an index or guide to where in the revised application each NOD item has been responded to, this should be an easy task. If the facility has not provided a guide, the permit writer should compile one to make sure an accurate inventory of all responses is available for the administrative record.

If this comparison demonstrates that the facility's NOD response is grossly deficient, the permit writer should discontinue any further technical review and begin permit denial proceedings.

The permit writer would next assemble a new permit application checklist, following the procedures in [Chapter 9.0](#), Phase I Technical Review. Since the entire permit application must be completely re-reviewed, a new and blank checklist is preferred.

Following the procedure for the familiarization review in [Chapter 9.0](#), the permit writer would conduct a preliminary review of the application by first reading over the entire permit application. If a section can be easily determined as either adequate, deficient, missing, or not applicable, the permit writer should record such findings on the new checklist. An in-depth review or analysis is not performed at this time.

During this preliminary review, the permit writer must also re-review CEQA concerns. The permit writer should use the draft (or final, if available) Negative Declaration or EIR and determine whether the environmental document and permit application both adequately address all CEQA concerns. If DTSC

is the Lead Agency, the permit writer must modify the environmental document and/or the draft permit to adequately address all CEQA concerns. If DTSC cannot modify the environmental document, the draft permit, or the permit application to adequately address all CEQA concerns and reduce all impacts to a level of insignificant, the permit writer must either prepare an EIR or deny the project. (See [Chapter 8.0](#), CEQA for more information.)

Also during the preliminary review, the permit writer must determine whether any sections require other reviewers. If any sections need review by others, the permit writer should immediately forward the information, following the procedures in [Chapter 4.0](#), Project Planning, to the other reviewers.

Pass 2. Detailed Review

As with the Phase I review, the detailed review requires the permit writer to make an item-by-item comparison between facility and application details and the requirements detailed in the checklist. The permit writer's notes from the Phase I review should be helpful toward making this determination. Since the applicant may have substantially rewritten the application in response to DTSC's NOD, the permit writer should not rely on previous findings without double checking to analyze changes, modifications, or new information provided since the Phase I review. Careful and complete notes must be kept. Items needing additional in-depth follow-up research should be flagged. Since such notes and the checklist will become part of the administrative record, they should be prepared with complete sentences and without disparaging or unprofessional remarks.

Frequent contact with other reviewers should be made to determine the status of their review and provide any information or assistance they may need. It is the permit writer's job to be the project manager and follow-up on assignments given to others. If it appears there may be a delay in meeting a deadline, the permit writer should consult with the permit senior to determine a revised schedule or reassignment of the review to another reviewer.

Pass 3. In-Depth Follow-Up Review

As with the Phase I review, the final pass through the information is to complete an in-depth analysis, investigation, or follow-up on questions, information, or details flagged during the detailed review. Questions may be posed in writing or by telephone to the applicant, or an additional site visit, as needed.

At the conclusion of the in-depth review, the permit writer should have every question answered and be prepared to recommend either proceeding with a draft permit or initiating permit denial. It is current department policy to not allow a second NOD. Applications having substantial deficiencies following the Phase II Technical Review must be denied.

KEY QUESTIONS

Each Phase I Technical Review chapter has its own applicable set of key questions, which are not repeated here.

Are there additional deficiencies in the permit application?

Can any remaining deficiencies be adequately addressed as permit conditions?

Can CEQA deficiencies be addressed through CEQA mitigation measures?

Should any deficiency require a second Notice of Deficiency? If so, the permit must be denied.

Should the permit application be denied? If so, on what grounds?

Is the facility administrative file updated and prepared for public review?

Is the project's mailing lists up-to-date?

Has the Initial Study and draft EIR or NEG DEC been prepared (where DTSC is the Lead Agency)?

Have comments to the draft CEQA document prepared by another agency been reviewed and comments provided (where DTSC is a Responsible Agency) and a copy obtained for use by DTSC in making its CEQA determination?

Is the permit writer familiar with the facility's overall hazardous waste activities?

Has the permit writer identified every hazardous waste management unit?

Has each hazardous waste management unit been addressed in the permit application?

Has every checklist item been analyzed?

Has the permit writer reviewed the checklist and comments submitted by additional reviewers?

Does the permit writer agree with the analysis and understand any comments?

REQUIRED OUTPUTS

The main output of the Phase II Technical Review is a completed checklist with notes. The checklist must contain enough information to allow the permit writer and authorized management to determine the next appropriate action of the permitting project.

The permit writer should have the Initial Study and draft EIR or NEG DEC completed at this point in the permit process, if DTSC is the Lead Agency for the project.

The permit writer should have completed an Initial Study based on the environmental document prepared by the Lead Agency for use in making DTSC's CEQA determination.

The permit writer should have a complete and up-to-date mailing list. This mailing list will need to be modified whenever additional mailing information becomes available. For now, the mailing list must have mailing information for distribution of the Notice of Deficiency, the draft permit, the permit denial notification and any CEQA information.

APPLICABLE REGULATIONS AND STATUTES

State Laws and Regulations:

Various sections of Cal. H&S Code and Cal. Title 22, Code of Regs., are addressed in their appropriate sections Chapters 9.1 through 9.11, and are not repeated here.

Federal Laws and Regulations:

Other Laws and Regulations:

POLICIES

DTSC Policies:

EPA Policies:

Other Policies:

INSTRUCTIONS TO APPLICANTS

Handouts to be Given to Applicants:

Examples to be Given to Applicants:

CEQA CONSIDERATIONS

LEGAL CONSIDERATIONS

INTERAGENCY AGREEMENTS & MOUs

COORDINATION WITH OTHERS

Other DTSC Units:

Environmental/Legislative/Industry Groups:

Other Agencies:

Special Requests:

STEP-BY-STEP PROCEDURES

Flow Charts:

Checklists:

TECHNICAL REFERENCES

EXAMPLES OF COMPLETED WORK PRODUCTS

TIMELINE AND PLANNING

Permit Processing Chart:

Workload Standards:

Statutory & Other Deadlines:

WP File Name: 3/CH1200_P.MAN

List of Examples:

List of Appendices:

List of References: